

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

LARRY L. P.,

Plaintiff

v.

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

Defendant.

Case No. 3:20-cv-00807-MGG

**ORDER**

On September 7, 2022, the Court remanded this matter for further administrative proceedings. [DE 22]. On December 6, 2022, Plaintiff filed a Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (EAJA), [28 U.S.C. Section 2412](#), seeking an order granting Plaintiff \$11,298.74 for attorney fees. On December 20, 2022, Defendant filed her response indicating that the Commissioner does not oppose the amount of fees sought by Plaintiff. However, Defendant's response indicates that the Commissioner does object to the portion of Plaintiff's motion requesting that, in the event EAJA fees are intercepted to offset a pre-existing debt owed by Plaintiff, any remaining funds be directed to Plaintiff's attorney. The Commissioner opposes this portion of the Plaintiff's request explaining that it is not possible for the Treasury Department to direct payment of any remaining funds to Plaintiff's counsel and accordingly, Defendant asks that the Court use certain proposed language to ensure proper processing of this payment. [See DE 27 at 2-3]. Plaintiff has not filed any reply to Defendant's response despite being afforded ample time to do so. *See* N.D. Ind. L.R. 7-1(d)(3). Accordingly, the following order is

issued based on the parties' consent to the undersigned's jurisdiction under 28 U.S.C. § 636(c). [DE 12].

Based on the foregoing, it is hereby **ORDERED** that Plaintiff's Motion is **GRANTED IN PART** [DE 24], and Plaintiff is awarded \$11,298.74 for attorney fees and expenses in full satisfaction of any and all claims that may be payable to Plaintiff in this matter under the Equal Access to Justice Act (EAJA), [28 U.S.C. § 2412](#). Any fees paid belong to Plaintiff and not Plaintiff's attorney and are subject to offset to satisfy any pre-existing debt that the Plaintiff owes the United States. [Astrue v. Ratliff, 560 U.S. 586 \(2010\)](#). If Defendant can verify that Plaintiff does not owe a pre-existing debt to the government subject to the offset, Defendant will direct that the award be made payable to **Jennifer L. Fisher** pursuant to the EAJA assignment duly signed by Plaintiff. If payment is mailed, as compared to electronically deposited, it shall be mailed to counsel's address of record: **The Law Office of Jennifer L Fisher, 1110 Alston St, PO Box 411, Marysville, KS 66508**.

**SO ORDERED** this 6th day of January 2023.

s/Michael G. Gotsch, Sr.  
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Michael G. Gotsch, Sr.  
United States Magistrate Judge